



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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March 13, 2002

TO: Washington State Board of Health Members

FROM: Craig McLaughlin, Senior Health Policy Manager

RE: 2002 LEGISLATION AND COMMUNICATING WITH THE LEGISLATURE

Background and Summary:

Between January 14, 2001, the first day of session, and March 1, 2001, the final day for policy committees to report out bills from the opposite house, the State Board of Health staff tracked more than 20 bills and reviewed perhaps a score more to see if they should be tracked. During that period, Board members sent letters commenting on 18 pieces of legislation. Staff testified on seven bills, discussed bills with legislative staffers by phone, and met a few times with lawmakers to help draft or revise legislation. These communications with the Legislature raised awareness of the Board's recent work, advanced board issues, and overall seemed to be well received.

Staff members, after consulting with the Board at the January 9 meeting, intentionally focused on bills that would directly affect the Board's workload or statutory authority. Despite this tight focus and the fact that this was a short session with fewer pieces of legislation introduced than during the previous session, staff and Board members were at least as active as they were during 2001. This was due in part to the emergence of two themes this session related to the Board's work—food safety and school health—but it also seems to be related to broader recognition of the Board's role in policy development. That broader recognition may be attributable partly to the work done last session to raise the Board's profile in legislative policy discussions.

Board staff members believe all legislative activities were consistent with SBOH Policy 2001-001, which continues to be a workable, effective policy. Staff members are also extremely appreciative of the efforts of Board members who were available and active during the session, particularly Vickie Ybarra, Carl Osaki, Tom Locke, and Linda Lake.

Recommended Board Action:

None.

Discussion:

Staff members identified bills to review and monitor in several ways:

- Committee staffers, members of the Legislature, and Department of Health managers alerted Board staff members to relevant legislation.
- Staff members reviewed weekly and daily calendars for the full Legislature and key committees.
- The Senior Health Policy Manager attended twice-a-week DOH Bill Reviews.
- The Senior Health Policy Manager tracked bill movement, bill introductions by subject area, and the activities of key committees using the LegLink on-line information system.
- Staff members devoted much of the Thursday staff meetings to an in-house bill review.

In accordance with Policy 2001-001, these monitoring efforts sought to identify any legislation that had a direct impact on the Board's statutory powers and duties or was directly related to one of the board's priority areas. When staff members identified a bill of interest, they contacted appropriate members of the board by e-mail, often with a recommendation for action. In most cases, the recommendation was to send a letter drafted by staff. In a few instances, the staff recommended testifying at a hearing or signing in and being available to testify if asked. No action was taken by staff without first obtaining a go-ahead from a Board member.

When a bill had a specific impact on the Board's duties, or when a bill related to a Board priority area and a member expressed interest in taking action, the Senior Health Policy Manager posted information on the Bill Watch section of the Board's Web site (<http://www.boh/wa/gov/sboh/billwatch.htm>). The format complied with Board Policy 2001-001.

Between January 14, 2002, and May 1, 2002, the Board sent 22 letters commenting on 18 pieces of legislation. Copies of these letters are available on the Bill Watch section of the Board's Web page. Some letters were sent under the signature of Linda Lake in her official capacity as Board Chair. Others went out under the signature of individual Board members. For example, several letters commenting on bills related to food safety went out under Carl Osaki's signature.

Several bills up this session, would have a direct impact on the Board's authority and responsibility:

- HB 2323, requiring the Department of Fish and Wildlife to issue direct retail sales licenses to fishers who want to sell their own catch, originally did not take into account existing Board rules on shellfish and retail food sales and would have had the Department of Health (DOH) write a new set of rules. A call to legislative committee staff, in which Board staff explained the current system, resulted in technical amendments requiring compliance with existing Board rules.
- HB 2325, regarding donation and distribution of free food for charitable purposes, would require the Board to develop new guidelines for charitable food donations and revise the food code to expressly prohibit dangerous food donation practices.
- HB 2462, requiring medical orders for children with life-threatening medical conditions to attend school, originally would have required the Board to write rules defining "life-

- threatening conditions.” Related bills that moved forward defined the term in statute or assigned rule making to the Superintendent of Public Instruction in consultation with DOH.
- HB 2499 would have weakened Board regulation of water recreation facilities by requiring DOH to establish a redundant set of rules for pools, spas, and other facilities at health clubs. Staff contacted the prime sponsor and committee staff to discuss the existing regulatory framework. The bill did not move.
 - SB 5207, revived from last year, would have established a genetics commission that might have been redundant to the Board’s Genetics Task Force and would have required Board rules on newborn screening. Staff testified and worked with committee staff to explain the Genetic Task Force’s work. These provisions were amended out in the House.
 - HB 2582 would have expanded the scope of Board rules on visual screening in schools. The Board sent a letter explaining reasons for current scope. The bill did not move.
 - HCR 4422, as amended, would have assigned a Board member to a health care workforce commission whose charge would have included diversity. The bill did not make it through the House Appropriations Committee.
 - HB 6356 would require the Board to staff a commission on children’s environmental health and allow the Board to solicit external funds for the committee.
 - HB 6588 would require the Board to revise the food code to create a statewide standard and review any emergency (temporary) local regulations for possible statewide adoption. Originally it would also have made the Board the sole interpreter, but amendments transferred this responsibility to DOH.

Compared to 2001, there were comparatively fewer bills tracked or acted on solely because the policy issues related to the Board’s priority work areas or to issues that have come before the Board. A few of these were bills revived from 2001 that the Board had been active on before—HB 1759 on the sale of hypodermic syringes, HB 1328 on school health aides, and two bill on minor’s access to tobacco. A few were new this year—SB 6590 on children’s oral health, HB 2854 on bioterrorism, and SCR 8426 establishing a committee on indoor mold.

Attachment: Bill Watch page from the SBOH Web site